

AMENDED IN ASSEMBLY AUGUST 4, 2004

AMENDED IN ASSEMBLY JUNE 14, 2004

AMENDED IN SENATE APRIL 22, 2004

**SENATE BILL**

**No. 1481**

---

**Introduced by Senator Chesbro**

February 19, 2004

---

An act to repeal Chapter 310 of the Statutes of 1913, Chapter 417 of the Statutes of 1925, Chapter 483 of the Statutes of 1947, Chapter 117 of the Statutes of 1957, Chapter 1501 of the Statutes of 1957, Chapter 11 of the Statutes of 1962, Chapter 63 of the Statutes of 1962, Chapter 24 of the Statutes of 1963, and Chapter 895 of the Statutes of 1980, of the Statutes of 1957, Chapter 1501 of the Statutes of 1957, Sections 10 and 11 of Chapter 11 of the Statutes of 1962, Chapter 63 of the Statutes of 1962 of the First Extraordinary Session, and Chapter 24 of the Statutes of 1963, relating to tidelands and submerged lands of the City of Vallejo.

LEGISLATIVE COUNSEL'S DIGEST

SB 1481, as amended, Chesbro. Tidelands: City of Vallejo.

Existing law grants to the City of Vallejo all the right, title, and interest of the State of California in and to all tidelands and submerged lands situated in the Napa Creek, the Mare Island Straits, and the Straits of Carquinez within the boundaries of the city, as specified, in trust for certain purposes, including promotion of commerce, navigation, and fishery, and for establishing a harbor and related facilities.

This bill would repeal specified statutes, as prescribed, which provided for those grants of tidelands and submerged lands to the City of Vallejo, and would provide for the grant and conveyance to the City

of Vallejo, as described, and to its successors, of all the right, title and interest of the State of California held by the state in and to, all the tide and submerged lands and lands lying under inland navigable waters within the present boundaries of the City of Vallejo for public trust purposes, as defined, except for specified lands currently leased to the Wildlife Conservation Board, the Department of Fish and Game, and the United States Fish and Wildlife Service, *lands transferred to the Department of Education for the California Maritime Academy*, and ~~those~~ lands subject to the Mare Island Property Settlement and Exchange Agreement, as provided. The bill would specify the purposes for which those lands may be used, and would prescribe related matters. The bill would prescribe procedures for the exchange and termination of the public trust or interest in those lands by the city.

The bill would provide that its provisions are severable and if any provision of the bill or its application is held invalid, that invalidity shall not affect other provisions or application that can be given effect without the invalid provision or application.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. As used in this act, the following definitions
- 2 apply:
- 3 (a) “City” means the City of Vallejo, a municipal corporation
- 4 of the State of California, in Solano County.
- 5 (b) “Public trust purposes” means purposes related to
- 6 commerce, navigation, and fisheries, water-oriented recreation,
- 7 and preservation of land in a natural state.
- 8 (c) “Granting statutes” means Chapter 310 of the Statutes of
- 9 1913, Chapter 417 of the Statutes of 1925, Chapter 483 of the
- 10 Statutes of 1947, Chapter 117 of the Statutes of 1957, Chapter
- 11 1501 of the Statutes of 1957, *Sections 10 and 11 of Chapter 11 of*
- 12 *the Statutes of 1962, Chapter 63 of the Statutes of 1962, Chapter*
- 13 ~~*24 of the Statutes of 1963, and Chapter 895 of the Statutes of 1980.*~~
- 14 *Chapter 63 of the Statutes of 1962 of the First Extraordinary*
- 15 *Session, and Chapter 24 of the Statutes of 1963.*
- 16 (d) “Exchange statutes” means Chapter 895 of the Statutes of
- 17 1980 and Chapter 299 of the Statutes of 2003.

1 SEC. 2. It is the intent of the Legislature, in enacting this act,  
2 to do all of the following:

3 (a) Repeal and supercede prior granting statutes governing the  
4 City of Vallejo's administration, as trustee, of all tide and  
5 submerged lands and lands underlying inland navigable water  
6 within the boundaries of the City of Vallejo that were previously  
7 granted to the city by the State of California, into a single grant.

8 (b) Confirm in the City of Vallejo all of the state's right, title,  
9 and interest to tide and submerged lands and lands underlying  
10 inland navigable waters within the boundaries of the City of  
11 Vallejo that were previously granted by the granting statutes, and  
12 to amend the conditions and set forth the uses and purposes  
13 established for the city's government, management, and control of  
14 those lands.

15 (c) Convey to the City of Vallejo, and to its successors, all of  
16 the state's right, title, and interest to any remaining tide and  
17 submerged lands, and lands underlying inland navigable waters  
18 within the present boundaries of the City of Vallejo not heretofore  
19 conveyed, including that property established as public trust lands  
20 by the Mare Island Property Settlement and Exchange Agreement,  
21 and to provide for the city's government, management, and control  
22 of those lands.

23 (d) Expressly repeal the granting statutes and supercede those  
24 statutes by the enactment of a single statute providing for the grant  
25 of lands to the City of Vallejo.

26 SEC. 3. The Legislature hereby finds and declares all of the  
27 following:

28 (a) Since the admission of the State of California into the  
29 United States, certain tide and submerged lands have been, and are  
30 now held, in trust by the state for the benefit of all California  
31 residents for the purposes of commerce, navigation, fisheries,  
32 water-oriented recreation, and environmental protection and  
33 conservation. The state is required to govern, administer, and  
34 control those lands for public trust purposes. The state is  
35 authorized, when the interests of the public trust require it, to grant  
36 and convey to municipalities limited and defined areas of public  
37 trust lands along with the power to govern, control, improve, and  
38 develop those lands in the interests of all of the inhabitants of the  
39 state for public trust purposes.

1 (b) The State of California, pursuant to the granting statutes,  
2 has conveyed certain tide and submerged lands and lands lying  
3 under inland navigable waters to the city, in furtherance of public  
4 trust purposes, and has provided for the administration,  
5 management, and control of those lands by the city. The State of  
6 California, pursuant to Chapter 43 of the Statutes of 1854, Chapter  
7 81 of the Statutes of 1897, and Chapter 1452 of the Statutes of  
8 1963, granted to the United States those tide and submerged lands  
9 adjacent to lands held by the United States for military purposes,  
10 including lands used for the development of the Mare Island Naval  
11 Shipyard.

12 (c) The United States Navy closed the Mare Island Naval  
13 Shipyard in 1996, and has conveyed, and will convey, certain lands  
14 lying within the boundaries of the former Mare Island Naval  
15 Shipyard to the city pursuant to the Defense Base Closure and  
16 Realignment Act of 1990 (10 U.S.C. Sec. 2687, and following, as  
17 amended). Upon closure of the former Mare Island Naval  
18 Shipyard, and by the terms of the state grants, the State of  
19 California claimed a right of reversion to all lands lying under the  
20 shipyard that were previously conveyed to the United States for  
21 military purposes. The State Lands Commission, acting under the  
22 auspices of the State of California, and in cooperation with the City  
23 Council of the City of Vallejo, approved the Mare Island Property  
24 Settlement and Exchange Agreement, which was recorded on  
25 March 26, 2002, as Instrument Number 02-37955 in the  
26 Recorder's Office, County of Solano, State of California  
27 (hereafter the agreement). That agreement settled the state's public  
28 trust title claims at the former Mare Island Naval Shipyard, and  
29 provided for an exchange of trust lands for nontrust lands of equal  
30 or greater value, in accordance with the requirements of Section  
31 6307 of the Public Resources Code. The agreement was confirmed  
32 as valid, and title to the former Mare Island Naval Shipyard was  
33 quieted in accordance with the terms and conditions of that  
34 agreement, when implemented, pursuant to the judgment entered  
35 in City of Vallejo v. State of California, Solano County Superior  
36 Court Case No. 19710 (January 6, 2003), recorded on April 15,  
37 2003, as Document Number 200300058313 in the Recorder's  
38 Office, County of Solano, State of California.

39 (d) The settlement of title to tide and submerged lands at Mare  
40 Island Naval Shipyard, and the conveyance of those lands to the

city, as trustee of all of the state's rights, title, and interest in, those lands within the boundaries of the city held by the state by virtue of its sovereignty in and to all tide and submerged lands and lands lying under inland navigable waters, together with the right to govern, control, improve, and develop or retain the lands in their natural state, will result in great advantage and benefit to all the inhabitants of the state.

*(e) The State of California, pursuant to the exchange statutes, negotiated and is authorized to negotiate exchanges with the City of Vallejo for lands of equal or greater value that impose the public trust on certain lands while terminating the public trust with respect to lands exchanged by the state. Those exchanges remain beneficial and will maximize the benefits to the public trust.*

SEC. 4. The State of California hereby grants and conveys to the city, and to its successors, all the rights, title, and interest of the state held by virtue of its sovereignty in, and to, all the tide and submerged lands and lands lying under inland navigable waters within the present boundaries of the city for public trust purposes, except for those lands currently leased to the Wildlife Conservation Board, the Department of Fish and Game, and the United States Fish and Wildlife Service, and those lands subject to the Mare Island Property Settlement and Exchange Agreement referenced in subdivision (c) of Section 2 of this act. *Conservation Board, the Department of Fish and Game, and the United States Fish and Wildlife Service, lands transferred to the Department of Education for the California Maritime Academy pursuant to Chapter 840 of the Statutes of 1945 and Chapter 135 of the Statutes of 1947, and lands that are subject to the Mare Island Property Settlement and Exchange Agreement referenced in subdivision (c) of Section 3 of this act.*

SEC. 5. As to the lands that are the subject of the Mare Island Property Settlement and Exchange Agreement described in subdivision (c) of Section 2 3 of this act, the disposition of those lands is to be governed by that agreement. When each public trust parcel that is covered by that agreement is conveyed by quitclaim deed from the state to the city pursuant to the terms of the agreement, that parcel shall thereafter be held by the city pursuant to the terms of this act. Once conveyed to the city, the use of those parcels of land shall be limited to those uses contained in Section 3 of the Public Agency Lease, recorded on March 26, 2002, as

1 Instrument Number 02-379555 in the Recorder's Office, County  
2 of Solano, State of California.

3 SEC. 6. The lands hereby granted and conveyed to the city  
4 pursuant to this act shall be held by the city, and its successors, in  
5 trust for uses ~~and purposes~~ consistent with the public trust  
6 ~~purposes~~. Those lands may be used for the construction,  
7 reconstruction, repair and maintenance of any transportation,  
8 utility, or other infrastructure that is incidental, necessary, or  
9 convenient for any uses consistent with the public trust ~~purposes~~.  
10 Those lands shall be held by the city, or its successor, subject to the  
11 following conditions:

12 (a) The city, or its successors, shall not grant, convey, or  
13 otherwise alienate those lands, or any part thereof, to any  
14 individual, firm, or corporation for any purpose, except as  
15 provided in this act. However, the city, or its successors, may grant  
16 franchises on; or lease those lands, or any part thereof, for limited  
17 periods not ~~exceeding~~ *to exceed* a maximum period of 66 years, for  
18 purposes consistent *with* the public trust ~~purposes~~. Those  
19 franchises or leases may be subject to any terms or conditions that  
20 may be imposed by the city that are deemed by the city to be  
21 necessary for municipal purposes. The city shall collect and retain  
22 rents from those leases, and any and all rents and revenues received  
23 from trust lands and trust assets, hereinafter referred to as "trust  
24 revenues." Those trust revenues shall be expended only for those  
25 uses and purposes consistent with the public trust ~~purposes~~. The  
26 purpose of this requirement is to provide for the segregation of  
27 funds derived from the use of trust lands in order to ensure that they  
28 are expended only to enhance the lands in accordance with the trust  
29 uses and purposes upon which the trust lands are held.

30 (b) On or before October 1 of each year, the trustee of those  
31 lands described in subdivision (a) shall file with the State Lands  
32 Commission a detailed statement of all trust revenues and  
33 expenditures relating to its use of trust lands and trust assets,  
34 including obligations that have been incurred, but not yet paid,  
35 covering the fiscal year preceding submission of the statement.  
36 This statement shall be prepared according to generally accepted  
37 accounting principles and may take the form of an annual audit  
38 prepared by or for the trustee.

39 (c) There is hereby reserved in the people of the State of  
40 California the right to fish in the waters on which trust lands may

1 front with the right of convenient access to those waters for fishing  
2 purposes.

3 (d) The state shall have the right to use without charge, any  
4 transportation, landing, or storage improvements, betterments, or  
5 structures constructed upon the trust lands for any vessel or other  
6 watercraft or railroad owned or operated by, or under contract to,  
7 the state. The state's use of those facilities shall be governed by the  
8 trustee's rules and regulations.

9 (e) The lands herein granted and conveyed to the city are  
10 subject to the express reservation and condition that the state may  
11 at any time in the future use those lands, or any portion thereof, for  
12 highway purposes without compensation to the city, or its  
13 successors or assignees, or any person, firm or public or private  
14 corporation claiming any right to those lands, except that in the  
15 event improvements have been placed with legal authority upon  
16 the property taken by the state for highway purposes,  
17 compensation shall be made to the person entitled thereto for the  
18 value of the interest in the improvements taken or the damages to  
19 that interest.

20 (f) The State of California shall reserve all rights to any remains  
21 or artifacts of archaeological or historical significance and to all  
22 minerals and mineral rights in the lands now known to exist or  
23 hereafter discovered, including, but not limited to, oil and gas and  
24 rights thereto, together with the sole, exclusive, and the perpetual  
25 right to explore for, remove, and dispose of those minerals by any  
26 means or methods suitable to the State of California or to its  
27 successors and assignees. Notwithstanding Section 6401 of the  
28 Public Resources Code, any mineral right retained pursuant to this  
29 section shall not include the right of the state or its successors or  
30 assignees in connection with any mineral reservation, removal, or  
31 disposal activity, to do either of the following:

32 (1) Enter upon, use, or damage the surface of the lands or  
33 interfere with the use of the surface by any grantee or by the  
34 grantee's successor or assignees.

35 (2) Conduct any mining activities of any nature whatsoever  
36 above a plane located five hundred feet below the surface of the  
37 lands without permission of any grantee of the lands or the  
38 grantee's successors or assignees.

39 (g) In the management, conduct, operation, and control of the  
40 trust lands or any improvement, or structures on that land, the



1 trustee or its successors shall make no discrimination in rates, tolls,  
2 or charges for any use or service in connection therewith nor shall  
3 the trustee discriminate against or unlawfully segregate any person  
4 or group of persons on account of sex, race, color, creed, national  
5 origin, ancestry or physical handicap for any use or service in  
6 connection herewith.

7 (h) Those lands shall be improved by the city without expense  
8 to the State of California, except that nothing contained in this act  
9 shall preclude the city from accepting and retaining any grant of  
10 funds or subvention from the state or other governmental agencies  
11 made available for the purpose of aiding in the development of  
12 those lands for any public purpose not inconsistent with the  
13 promotion and accommodation of commerce, navigation,  
14 fisheries, water-oriented recreation, or environmental purposes.

15 SEC. 7. (a) Subject to the requirements for approval by the  
16 State Lands Commission specified in subdivision (b), whenever it  
17 is determined by the city that any portions of the tide or submerged  
18 lands granted to the city pursuant to this act have been filled and  
19 reclaimed, cut off from access to the waters of San Pablo Bay and  
20 Mare Island Strait, constitute a relatively small portion of the tide  
21 and submerged lands granted to the city, and are no longer needed  
22 or required for the promotion of the public trust purposes and the  
23 granted lands trust, and that there will not be a substantial  
24 interference with the public trust uses and purposes, the city may  
25 terminate the public trust over those portions of the tidelands and  
26 exchange those portions of the tidelands, or any interest in those  
27 lands, with any state agency, political subdivision, person, entity,  
28 or corporation, or the United States, or any agency thereof, for  
29 lands or interests in lands of equal or greater value, if those lands  
30 granted are used for public trust purposes.

31 (b) An exchange and trust termination under subdivision (a)  
32 shall not be effective until the State Lands Commission, at a  
33 regular open meeting with the proposed exchange and trust  
34 termination as a properly scheduled agenda item, does both of the  
35 following:

36 (1) Finds that the lands or interests in lands to be acquired by  
37 the city and the value of the public trust interest to be created by  
38 agreement of the city are of a value equal to or greater than the  
39 value of the tidelands for which they are to be exchanged and the





1 value of the tidelands over which the public trust will be  
2 terminated.

3 (2) Adopts a resolution approving the proposed exchange and  
4 trust termination, which finds and declares that the tidelands to be  
5 exchanged and over which the public trust will be terminated have  
6 been filled and reclaimed, are cut off from access to the waters of  
7 San Pablo Bay and Mare Island Strait, constitute a relatively small  
8 portion of the tide and submerged lands granted to the city, and are  
9 no longer needed or required for the promotion of the public trust;  
10 and that there will not be a substantial interference with the public  
11 trust uses and purposes that will ensue by virtue of the exchange  
12 of the trust lands and the trust termination. ~~At the time specified~~  
13 ~~in the resolution~~ *As to any such exchange and trust termination,*  
14 *upon the close of escrow, or other event effectuating the exchange*  
15 *and trust termination,* the tidelands to be exchanged and with  
16 respect to which the public trust is to be terminated shall thereupon  
17 be free from the public trust.

18 (c) *Any lands acquired by the city for public trust purposes shall*  
19 *thereafter be held by the city pursuant to the terms of this act.*

20 (d) The provisions of this act are not exclusive with respect to  
21 the settlement or litigation of titles and boundaries of lands within  
22 either the present waterway or granted lands. This act does not  
23 impair nor alter the existing procedural or substantive rights or  
24 disabilities of any person or entity claiming title to, or an interest  
25 in, any lands in the present waterway and the granted lands in the  
26 defense or prosecution of any proceeding now or hereafter  
27 instituted under the laws of this state, nor affect the applicability  
28 of those lands with respect to any other provisions of law.

29 SEC. 8. (a) Any party to an exchange agreement entered into  
30 pursuant to this act may bring an action under Chapter 4  
31 (commencing with Section 760.010) of Title 10 of Part 2 of the  
32 Code of Civil Procedure to quiet title and to confirm the validity  
33 of that agreement as if the agreement had been entered into  
34 pursuant to Section 6307 or 6357 of the Public Resources Code.  
35 No action shall be brought later than 90 days after the recording  
36 of the executed agreement.

37 (b) Notwithstanding subdivision (b) of Section 764.080 of the  
38 Code of Civil Procedure, a person not a party to an exchange  
39 agreement entered into pursuant to this act seeking to bring an  
40 action challenging the validity of the agreement shall file that

1 action no later than 180 days after the recording of the executed  
2 agreement.

3 (c) Any exchange agreement entered into pursuant to this act  
4 shall be conclusively presumed to be valid, unless held invalid in  
5 an appropriate proceeding in a court of competent jurisdiction  
6 commenced within the time limits specified in this section.

7 SEC. 9. Chapter 310 of the Statutes of 1913 is repealed.

8 SEC. 10. Chapter 417 of the Statutes of 1925 is repealed.

9 SEC. 11. Chapter 483 of the Statutes of 1947 is repealed.

10 SEC. 12. Chapter 117 of the Statutes of 1957 is repealed.

11 SEC. 13. Chapter 1501 of the Statutes of 1957 is repealed.

12 ~~SEC. 14. Chapter 11 of the Statutes of 1962 is repealed.~~

13 *SEC. 14. Sections 10 and 11 of Chapter 11 of the Statutes of*  
14 *1962 are repealed.*

15 ~~SEC. 10. The parcel to which the provisions of Sections 10~~  
16 ~~and 11 of this act are applicable consists of that portion of the tide~~  
17 ~~and submerged lands heretofore conveyed to the City of Vallejo~~  
18 ~~upon certain trusts and conditions by Chapter 310 of the Statutes~~  
19 ~~of 1913, more fully described as follows:~~

20 ~~Bonded on the Northeast by the Southwesterly boundaries of~~  
21 ~~lands heretofore conveyed by Patents from the State of California~~  
22 ~~to private individuals as tideland surveys; and~~

23 ~~Bounded on the West, Southwest and Southeast by a line~~  
24 ~~particularly described as:~~

25 ~~Beginning at a point located by commencing at the intersection~~  
26 ~~of the South line of Pennsylvania Street with the East line of Santa~~  
27 ~~Clara Street according to the official map of the City of Vallejo~~  
28 ~~filed September 19, 1868 in Book 1 of Maps at Page 123; thence~~  
29 ~~South 88° 53' 30" East, 6.55 feet to the True Point of Beginning~~  
30 ~~(said true point of beginning being marked by Monument No. 101~~  
31 ~~of the Record of Survey and Partition Map filed in the Office of~~  
32 ~~the County Recorder of Solano County, California on April 29,~~  
33 ~~1952 in Book 2 of Surveys, Page 37); thence due South 114.85 feet~~  
34 ~~to a point on the existing timber bulkhead constructed by the City~~  
35 ~~of Vallejo during the year 1914; thence due South 293 feet to a~~  
36 ~~point on the combined pierhead and bulkhead line as established~~  
37 ~~by the U.S. Army Corps of Engineers; thence S. 38° 43' 53" E.~~  
38 ~~along said combined U.S. Pierhead and Bulkhead line a distance~~  
39 ~~of 4070.25 feet, more or less to a point on the Northwesterly~~  
40 ~~boundary of the area described in Deed to Basalt Rock Company~~

~~dated May 25, 1934 and recorded in the office of the County Recorder of said County in Book 124 of Official Records at Page 305; thence N. 54° 14' 45" E. along the boundary of the area described in said Deed a distance of 301.88 feet to a point on the aforementioned existing timber bulkhead constructed by the City of Vallejo in the year 1914; thence continuing N. 54° 14' 45" E. along said boundary described in Deed to Basalt Rock Company a distance of 220 feet, more or less, to a point on the Southwest boundary of Tideland Survey No. 25-A, sometimes referred to as No. 25.~~

~~SEC. 11. (a) In addition to the purposes expressed in Chapter 310 of the Statutes of 1913, the tide and submerged lands included in the parcel described in Section 10 may be used by the City of Vallejo and its successors for purposes in which there is a general statewide purpose as follows:~~

~~(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation.~~

~~(2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial building, plants and facilities.~~

~~(3) For the establishment, improvement and conduct of an airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.~~

~~(4) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.~~

~~(5) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.~~

~~(6) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snack bars, cafes, restaurants, motels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sale establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.~~

~~(b) The city or its successors shall not, at any time, grant, convey, give or alienate lands included in the parcel described in Section 10, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may, notwithstanding any provision in Chapter 310 of the Statutes of 1913 to the contrary, grant franchises thereon for limited periods, not exceeding 99 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 99 years, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation. Nothing contained in this section shall be deemed to affect the validity or term of any franchises granted by said city under the Franchise Act of 1937 or said city's charter, and any such franchise shall be effective with respect to said lands.~~

~~(c) Said lands shall be improved without expense to the State; provided, however, that nothing contained in this section shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation and fishery, by the State, or any board, agency or commission thereof, when authorized or approved by the city, nor by the city of any funds received for such purpose from the State or any board, agency or commission thereof.~~

~~(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.~~

~~(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the State of California.~~

~~(f) There is hereby reserved to the people of the State of California the right to fish in the waters of said lands with the right of convenient access to said water over said lands for said purpose.~~

~~(g) There is hereby executed and reserved in the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands.~~

~~(h) Said lands are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.~~

~~(i) The State Lands Commission shall, at the cost of the city, survey and monument said lands and record a description and plat thereof in the office of the County Recorder of Solano County.~~

~~(j) If said lands, or any part thereof, are not used for the additional purposes authorized by this section within 10 years~~

1 ~~from the effective date of said section, or if such use is~~  
2 ~~discontinued thereafter, the authorization to use said lands for such~~  
3 ~~additional purposes shall automatically terminate and lapse.~~

4 SEC. 15. Chapter 63 of the Statutes of 1962 *of the First*  
5 *Extraordinary Session* is repealed.

6 SEC. 16. Chapter 24 of the Statutes of 1963 is repealed.

7 ~~SEC. 17. Chapter 895 of the Statutes of 1980 is repealed.~~

8 ~~SEC. 18.~~

9 SEC. 17. The provisions of this act are severable. If any  
10 provision of this act or its application is held invalid, that invalidity  
11 shall not affect other provisions or applications that can be given  
12 effect without the in valid provision or application.

